IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 1562 (SS) 2004

1. Aneeta,
2. Km. Seema Awasthi,
3. Km. Hema Awasthi,
   All D/o late Smt. Shanti Awasthi,
   C/o Sri Jagdish Chandra Upreti,
   Meena Bazar, Lohaghat,
   District Champawat. .....Petitioners.

Versus

1. Regional Provident Fund Commissioner,
   Punjab & Union Territory of Chandigarh,
   S.C.O. 4-7 Sector-17D,
   Chandigarh,
2. Regional Provident Fund Commissioner,
   Regional Office, Abdulla Building.
   Rampur Road, Haldwani.
3. Regional Provident Fund Commissioner, Kanpur,
4. Account Officer, Sub Regional Provident Fund Office,
   Abdulla Building, Bareilly road, Haldwani.

.....Respondents.

Sri Dinesh Gahtori, learned counsel for the petitioner,
None for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Dinesh Gahtori, learned counsel for the petitioner. None is present for the respondents.

By the present petition, the petitioner has prayed for the following refiefs:-

i) A writ, order, Rule or direction in the nature of mandamus dedication & commanding the respondent to release the family pension finalized by the

respondent themselves in favour of petitioner nos. 1& 2 w.e.f. 24.02.1995,

ii) A writ, order, Rules and direction in the nature of mandamus directing the respondents to provide family pension to petitioner no. 3 w.e.f. 24.02.1995 with interest, who is also a real daughter of Smt. Shanti Awasthi,

iii) Any other order, which Hon'ble Court may deem fit and proper in the circumstances of the case,

iv) Award the cost of petition to the petitioners.

Submission of the petitioner is that the mother of the petitioners was an employee of Morden Food Industries, Chandigarh in the capacity of Lab Assistant and she opted for provident fund under the Employees Provident Fund and Misc. Provision Act 1952. The petitioners' mother died on 23.02.1995 leaving behind three minor daughters/petitioners. The father of the petitioners has died earlier. One Mr. Jagdish Chandra Upreti S/o Parmanand Upreti was appointed guardian of the petitioners by the Civil Judge, Pithoragarh u/s 7 and 8 of the Guardians and Ward Act, 1890. After the death of Smt. Shanti Awasthi (mother of the petitioners), the Regional Provident Fund Commissioner, Punjab-Himanchal Pradesh & Union Territory of Chandigarh sanctioned family pension to the petitioners on 23.02.1999. Thereafter, the respondent no. 2 wrote a letter to the guardian of the petitioners to accomplish the necessary requirements so that family pension could be paid to the petitioners. In compliance of the aforesaid letter dated 23.02.1999, the guardian of the petitioners submitted the necessary requirements before the respondent no. 2 after about 4 years i.e. on 24.03.2003. But before the respondent could take decision, the petitioners filed the present writ petition.

During the course of arguments, learned counsel for the petitioners has submitted that the family pension sanctioned to the petitioners has already been paid to them by the respondents however, no interest is being paid to them for the undue delay in their part. The petitioners were required to send photographs and to open account in the Bank in their names. Since, the petitioners themselves have not furnished the requisite information timely as required by the respondents and the same was sent to the respondents in the year 2003. After about 4 years, the petitioners have informed the respondents about the Bank account of the petitioners and other relevant information.

In the aforesaid circumstances, I do not find substance in the submission advanced by the learned counsel for the petitioners for making payment of interest. Since, the family pension has already been granted to the petitioners, thus the writ petition has rendered infructuous. Accordingly, the writ petition is dismissed being infurctuous.

(M.M. Ghildiyal, J.)

November 30, 2006:
NCM: